

S.B. 185 (Effective September 1, 1983)  
S.B. 209 (Effective immediately)  
S.B. 220 (Effective August 29, 1983)  
S.B. 256 (Effective immediately)  
S.B. 374 (Effective September 1, 1983)  
S.B. 434 (Effective immediately)

Sent to Governor  
(April 18, 1983)

S.C.R. 7  
S.C.R. 14  
S.C.R. 16  
S.C.R. 17  
S.C.R. 18  
S.C.R. 53

Sent to Comptroller  
(April 18, 1983)

S.B. 186

### FIFTY-THIRD DAY (Tuesday, April 19, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

Our Father, we would pause to remind ourselves that life begins and ends with You. May our bowing be more than a custom, as we seek to orient our lives in the image of Your Son, Jesus. We are cognizant of the fact that we are not praying this morning in a church building, but in a building dedicated to public service. And yet we know You are beside us, behind us, in front of us in this place, because You care first and foremost for people.

The task before these Senators is so clear. We state it often in the model prayer You gave us: "Thy will be done." And yet how that will happen is so unclear. We have argued philosophies for generations. This room has seen countless debates on economic theory, human rights, the meaning of justice. The final answers will not be given today or even in this session. We live in this tension and pray not that we be proven right, but that what is finally done is right.

So Father, stand by these public servants as they wrestle with the difficult issues that confront our State. Strengthen them as they wrestle with the assignment of choosing. Grant wisdom greater than their own to find clarity amidst the

ambiguities of the many options. Vote through these Senators that in all things we will "let justice flow like a mighty river." May these moments of meditation remind us that our task is to work to see that:

Thy Kingdom comes,  
Thy will be done  
On earth as it is in Heaven. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE

House Chamber  
April 19, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 171**, Congratulating the San Jacinto Junior College Basketball team.

**S.C.R. 76**, Proclaiming April 18, 1983, as Peyton McKnight Day.

**H.B. 242**, Relating to the status of adult probation department personnel as State employees for certain purposes.

**H.B. 706**, Relating to the issuance of daily temporary mixed beverage permits.

**H.B. 894**, Relating to fees imposed and collected by State agencies.

**H.B. 1487**, Relating to procedures for the consideration and adoption of certain rules and rates specified in Chapter 5, Insurance Code.

**S.B. 165**, Relating to Dental Health Service Corporations and declaring an emergency.

**S.B. 218**, Relating to the effect of confinement in another penal institution on the duration of a sentence to be served in the Texas Department of Corrections.

**S.B. 275**, Relating to the authority of certain domestic insurance companies to reinsure risks involving aircraft and defined space equipment.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**S.B. 1278**

**S.B. 1299**

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

**S.B. 823**

**C.S.S.B. 1328** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 1090**

**C.S.S.B. 911** (Read first time)

**SENATE BILL ON FIRST READING**

On motion of Senator Santiesteban and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 1339** by Santiesteban Economic Development  
Amending the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes, as amended); relating to the issuance of bonds by or on behalf of political subdivisions; containing other provisions relating to the subject; and declaring an emergency.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.B. 2**, To Committee on State Affairs.
- H.B. 359**, To Committee on Intergovernmental Relations.
- H.B. 369**, To Committee on Natural Resources.
- H.B. 401**, To Committee on Finance.
- H.B. 430**, To Committee on Intergovernmental Relations.
- H.B. 455**, To Committee on State Affairs.
- H.B. 484**, To Committee on Finance.
- H.B. 501**, To Committee on Natural Resources.
- H.B. 524**, To Committee on Natural Resources.
- H.B. 553**, To Committee on Jurisprudence.
- H.B. 555**, To Committee on Intergovernmental Relations.
- H.B. 593**, To Committee on State Affairs.
- H.B. 618**, To Committee on Intergovernmental Relations.
- H.B. 724**, To Committee on Intergovernmental Relations.
- H.B. 741**, To Committee on State Affairs.
- H.B. 954**, To Committee on Jurisprudence.
- H.B. 970**, To Committee on Intergovernmental Relations.
- H.B. 1011**, To Committee on Intergovernmental Relations.
- H.B. 697**, To Committee on Intergovernmental Relations.
- H.B. 1013**, To Committee on Intergovernmental Relations.
- H.B. 1031**, To Committee on Intergovernmental Relations.
- H.B. 1046**, To Committee on State Affairs.
- H.B. 1111**, To Committee on State Affairs.
- H.B. 1148**, To Committee on State Affairs.
- H.B. 1212**, To Committee on Jurisprudence.
- H.B. 1243**, To Committee on Intergovernmental Relations.
- H.B. 1250**, To Committee on Natural Resources.
- H.B. 1341**, To Committee on Natural Resources.
- H.B. 1254**, To Committee on Intergovernmental Relations.
- H.B. 1368**, To Committee on Natural Resources.
- H.B. 1440**, To Committee on Intergovernmental Relations.
- H.B. 1441**, To Committee on Intergovernmental Relations.
- H.B. 1445**, To Committee on State Affairs.
- H.B. 1725**, To Committee on Health and Human Resources.
- H.B. 1845**, To Committee on Intergovernmental Relations.

**H.J.R. 59**, To Committee on State Affairs.

**H.J.R. 105**, To Committee on State Affairs.

### **BILLS AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

**S.B. 508**

**S.B. 486**

**S.B. 422**

**S.B. 347**

**S.B. 235**

**S.B. 211**

**S.B. 210**

**S.B. 164**

**S.B. 139**

**S.B. 86**

**H.C.R. 145**

### **COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 16 ON SECOND READING**

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.J.R. 16**, Proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **C.S.S.J.R. 16** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Howard.

Absent: Washington.

The resolution was read second time.

Senator Caperton offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **C.S.S.J.R. 16** by Caperton by amending subsection (f) to read as follows:

“(f) In addition to the statewide reapportionment, the board may reapportion the judicial districts of the state as the necessity for reapportionment appears by redesignating, in one or more reapportionment orders, the county or counties, or parts of the county where a county has more than one judicial district contained within its boundaries, that comprise the specific judicial districts affected by those reapportionment orders.”

The amendment was read and was adopted.

**VOTE ON ADOPTION OF FLOOR AMENDMENT  
NO. 1 RECONSIDERED**

On motion of Senator Caperton and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 be adopted?

Senator Washington offered the following substitute for Floor Amendment No. 1:

Floor Amendment No. 2

Substitute for Floor Amendment No. 1

Amend C.S.S.J.R. No. 16 by adding a new Subsection (i) to Section 7a to read as follows:

“(i) This section applies only to those single county judicial districts that are in a county with more than one single county judicial district. The legislature shall provide for the election of district judges from single member judicial districts, the number of single member districts being the same as the number of judicial districts in the county. Each district court shall have countywide jurisdiction. To be eligible to serve as a judge from a district, a person must be at the time of election or appointment a resident of the district from which the office is filled. If a judge does not maintain residence in the district during his term of office, a vacancy occurs. The districts shall be as compact and contiguous as possible. Each district shall have a population as nearly equal as possible based on the population published in the most recent federal decennial census. At the first general election following reapportionment of judicial districts, district judges shall be elected from all districts.”

The substitute for Floor Amendment No. 1 was read.

On motion of Senator Caperton, the substitute for Floor Amendment No. 1 was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Lyon, McFarland, Montford, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Williams.

Nays: Blake, Brooks, Doggett, Henderson, Kothmann, Mauzy, Parker, Parmer, Truan, Uribe, Vale, Washington, Whitmire.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was again adopted.

Senator Caperton offered the following amendment to the resolution:

Floor Amendment No. 3

Amend C.S.S.J.R. 16 by Caperton by adding a new subsection (i) to follow after SECTION 1, Section 7a (h) that reads as follows:

“(i) Any judicial reapportionment order adopted by the board must be approved by a record vote of the majority of the membership of both the Senate and House of Representatives before such order can become effective and binding.”

The amendment was read.

Senator Howard offered the following substitute for Floor Amendment No. 3:

Floor Amendment No. 4

Substitute for Floor Amendment No. 3

Amends Committee Substitute for S.J.R. 16, page 1, line 65, by adding the following to the end of the sentence:

...“provided such order has been approved by a record vote of at least 2/3rds of the membership of both the Senate and the House of Representatives.”

The substitute for Floor Amendment No. 3 was read.

Senator Lyon offered the following amendment to the substitute for Floor Amendment No. 3:

Floor Amendment No. 5

Amends Committee Substitute for S.J.R. 16, page 1, line 65, by adding the following to the end of the sentence:

...“provided such order has been approved, disapproved or amended by a record vote by a majority of the membership of both the Senate and the House of Representatives.”

The amendment to the substitute for Floor Amendment No. 3 was read.

On motion of Senator Caperton, the amendment to the substitute for Floor Amendment No. 3 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale.

Nays: Doggett, Glasgow, Lyon, Mauzy, Montford, Parker, Truan, Washington, Whitmire, Williams.

Question recurring on the adoption of the substitute for Floor Amendment No. 3, on motion of Senator Caperton, the substitute for Floor Amendment No. 3 was tabled by the following vote: Yeas 24, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Harris, Henderson, Jones, Kothmann, Lyon, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Edwards, Farabee, Glasgow, Howard, Leedom, Mauzy, Montford.

Question recurring on the adoption of Floor Amendment No. 3, Floor Amendment No. 3 was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Farabee, Glasgow, Howard, Lyon, Washington.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 16 ON  
THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Howard, Lyon, Washington.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Farabee, Glasgow, Howard, Lyon, Washington.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Mauzy and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider S.B. 836 today.

(President Pro Tempore Jones in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 576 ON SECOND READING**

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 576**, Relating to a reapportionment of the judicial districts of the state by the Judicial Districts Board or the Legislative Redistricting Board, the transfer of cases upon reapportionment, the jurisdiction and terms of courts, and the duties and powers of county officers.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **C.S.S.B. 576** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Harris, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Farabee, Glasgow, Howard, Lyon, Parker, Sarpalius, Washington.

Absent: Henderson.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

## Floor Amendment No. 1

Amend C.S.S.B. 576 by amending SECTION 2, Subsection (2) to read as follows:

"(2) 'Reapportionment' means the redistribution of the judicial districts of the state by designating the county or counties, or part of the county where a county has more than one judicial district contained within its boundaries, to be included in each judicial district and may affect any or all of the judicial districts and counties of the state under either the original reapportionment made under this Act or a reapportionment at a time subsequent to an original reapportionment."

Amend C.S.S.B. 576 by amending SECTION 4 to read as follows:

"The board shall reapportion the judicial districts authorized by Article V, Section 7, of the Texas Constitution by statewide reapportionment of the districts and, as the necessity for additional reapportionment appears, by redesignating, in one or more reapportionment orders, the county or counties, or parts of the county where a county has more than one judicial district contained within its boundaries, that comprise the specific judicial districts affected by those reapportionment orders. The board shall investigate from time to time the necessity of and appropriate locations for new judicial districts and shall advise the legislature of its findings. The board shall inform itself on all matters bearing on its duties."

Amend C.S.S.B. 576 by amending SECTION 5, Subsection (c) to read as follows:

"(c) Each judicial district affected by a reapportionment must contain one or more complete counties, or a part of one county. More than one judicial district may contain the same county or counties. If more than one county is contained in a judicial district, the territory of the judicial district must be contiguous."

Amend C.S.S.B. 576 by amending SECTION 5 by adding a new Subsection (e) to follow after (d) as follows:

"(e) Nothing in this Act precludes the board from establishing single-court judicial districts within a county."

Amend C.S.S.B. 576 by amending SECTION 8, Subsection (a) to read as follows:

"After the effective date of a reapportionment order, the judicial districts affected by the order contain only the counties, or parts of the county where a county has more than one judicial district contained within its boundaries, designated for the judicial districts in the reapportionment order, and the district courts shall have and exercise jurisdiction coextensive with the newly defined limits of the judicial districts in all actions, proceedings, matters, and causes of which district courts have jurisdiction under the constitution and laws of the state."

The amendment was read and was adopted.

Senator Howard offered the following amendment to the bill:

## Floor Amendment No. 2

Amends Committee Substitute for S.B. 576, page 1, line 68, by striking the word "anticipated" and substituting the word "actual".

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.



(President in Chair)

The bill as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Howard, Lyon, Parker, Sarpalius, Washington.

#### **COMMITTEE SUBSTITUTE SENATE BILL 576 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 576 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Howard, Lyon, Parker, Sarpalius, Washington.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Glasgow, Howard, Lyon and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE SENATE BILL 711 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 711**, Relating to the establishment of the Texas Health and Human Services Coordinating Council, the Council on Disabilities, and the Long-term Care Coordinating Council for the Elderly; adding Title 9 to the Human Resources Code.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 711** by striking the sentence beginning on page 1, line 63, and substituting:

Appointments to the council shall be made with due regard for the race, creed, sex, religion, and national origin of the appointees and the geographical distribution of the members of the council.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 711 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 711 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 19, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.J.R. 20**, Proposing a constitutional amendment to abolish the office of county treasurer in Bexar and Collin counties.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**MEMORIAL RESOLUTION**

**S.R. 477** - By Lyon, Howard: Memorial resolution for Jimmie C. Buford.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 472** - By Blake: Commending Mark Moseley for his notable achievements.

**S.R. 473** - By Traeger: Extending welcome to Bradley Clark, Honorary Page for the Day.

**S.R. 474** - By Traeger: Extending welcome to Nancy Jo Clark, Honorary Page for the Day.

**S.R. 475** - By Traeger: Extending welcome to Melissa Clark, Honorary Page for the Day.

**S.R. 478** - By Sharp: Extending congratulations to Ms. Ruby Hahn Richardson.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 12:49 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Sent to Governor  
(April 19, 1983)

**S.B. 186**

**S.B. 86**

**S.B. 139**

**S.B. 164**

S.B. 210  
S.B. 211  
S.B. 235  
S.B. 347  
S.B. 422  
S.B. 486  
S.B. 508

**FIFTY-FOURTH DAY**  
(Wednesday, April 20, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

God! What a world You have given us.  
Brimming with promise and weeping with pain.  
Help us to know that it's home and it's holy.  
Help us to love it like You do. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 20, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 382**, Relating to the payment by the state of certain expenses arising from the prosecution of an inmate or employee of the department of corrections and from investigation of offenses under Section 39.021, Penal Code.

**H.B. 559**, Relating to the contents of an appellate record in a criminal case.

**H.B. 603**, Relating to the destruction of an industrial die, mold, or form.

**H.B. 637**, Relating to statewide assignment of judges of the statutory probate courts.

**H.B. 729**, Relating to the limitations period for filing an application for compensation under the Crime Victims Compensation Act.